



TECHNICAL AND COMPLIANCE COMMITTEE
Fifteenth Regular Session
25 September – 1 October 2019
Pohnpei, Federated States of Micronesia

PROVISIONAL ANNOTATED AGENDA

WCPFC-TCC15-2019-03
6 June 2019

AGENDA ITEM 1 OPENING OF MEETING

The meeting will open at 08:30 on Wednesday 25 September 2019.

1.1 Welcome

The Chair (Mr Laurence Edwards II) will open the Fifteenth Regular Session of the Technical and Compliance Committee (TCC15) of the Western and Central Pacific Fisheries Commission (WCPFC) and welcome all delegations.

1.2 Adoption of agenda

The Chair will introduce the Provisional Agenda for TCC15 (WCPFC-TCC15-2019-02) that was distributed in accordance with Rule 1 of the Commission's Rules of Procedure. The Rules of Procedure of the Commission govern the proceedings of TCC15. The Rules of Procedure provide that Members may propose supplementary agenda items up until 30 days before the meeting (Rule 3). The Agenda, as modified, will need to be adopted by the meeting (Rule 5).

1.3 Meeting arrangements

The Chair will invite TCC to review the Indicative Schedule, noting logistical arrangements in place to support the meeting, proposed meeting times and any social events.

1.4 Introduction of Proposals: new CMMs or draft revisions to current CMMs

Proponents of any CMM proposals will be invited to briefly introduce their proposals.

AGENDA ITEM 2 ANNUAL REPORT OF THE EXECUTIVE DIRECTOR

The Executive Director will provide an overview of the compliance programme and highlight key strategic issues needing discussions and guidance to the WCPFC16.

AGENDA ITEM 3 IUU LIST

In accordance with CMM 2010-06, TCC will review the current WCPFC IUU List and the draft IUU List, and any suitably documented information.

AGENDA ITEM 4 CNM REQUESTS

In accordance with CMM 2009-11, TCC will consider the applications for CNM status for 2020, and make recommendations and technical advice to the Commission. It is expected that a working group will develop a first draft of draft recommendations and technical advice for consideration by TCC.

AGENDA ITEM 5 COMPLIANCE MONITORING SCHEME

This is the ninth year of implementation of the WCPFC Compliance Monitoring Scheme. WCPFC15 adopted CMM 2018-07 *Conservation and Management Measure for the Compliance Monitoring Scheme* for 2019, with enhancements expected in accordance with the future work in Section IX and the TCC Workplan 2019-2021.

5.1 CMS Process

(a) Review Capacity Assistance Needed statuses assessed in prior years and associated Capacity Development Plans

TCC will discuss this agenda item in accordance with CMM 2018-07.

(b) Review Flag State Investigation statuses assessed in prior years

TCC will discuss this agenda item in accordance with CMM 2018-07.

(c) Review of Draft Compliance Monitoring Report

In accordance with CMM 2018-07, TCC is to review the Draft Compliance Monitoring Report (Draft Report) prepared by the Secretariat in the form agreed by WCPFC11 and based on the list of obligations agreed by WCPFC15 and contained in Attachment V of the WCPFC15 Summary Report. Potential compliance issues will be identified for each CCM, based on information contained in the draft CMRs as well as any information provided by CCMs in accordance with paragraph 28 of CMM 2018-07. The preparation, distribution and discussion of compliance information pursuant to the CMS shall be in accordance with all relevant rules and procedures relating to the protection and dissemination of, and access to, public and non-public domain data and information compiled by the Commission (CMM 2018-07 paragraph 8).

(d) Respond to capacity assistance needs identified through the CMS process, including through annual consideration of implementation plans (other than Capacity Assistance Needed statuses) identified in prior years (TCC Workplan 2019-2021)

TCC will discuss this agenda item in accordance with CMM 2018-07. This subject matter is related to a priority project specific task which was included in the approved TCC workplan 2016-2018.

(e) Identify and provide advice on CMMs that need revision to improve compliance and monitoring, including those for which interpretation issues have been identified through the CMS process (TCC Workplan 2019-2021)

TCC will discuss this agenda item in accordance with CMM 2018-07. This subject matter is related to a priority project specific task which was included in the approved TCC workplan 2019-2021.

5.2 Provisional Compliance Monitoring Report and Executive Summary

In accordance with Section VII of CMM 2018-07, TCC shall develop a Provisional Report, taking into account any Capacity Development Plans developed pursuant to paragraphs 14-16, and any additional information provided by CCMs, and where appropriate non-governmental organizations and other organizations. The Provisional Report will include a provisional assessment of each CCM's Compliance Status and recommendations for any corrective action(s) needed, based on potential compliance issues identified in respect of that CCM and using the criteria and considerations for assessing Compliance Status set out in Annex I of CMM 2018-07.

The Provisional Report will also include an executive summary including recommendations and observations from TCC regarding:

- (i) Identification of any CMMs or obligations that should be reviewed to address implementation or compliance difficulties experienced by CCMs, particularly when TCC has identified ambiguity in the interpretation of or difficulty in monitoring and implementing that measure or obligation, including any specific amendments or improvements that have been identified (**TCC15 Agenda 5.1e**);
- (ii) capacity building assistance or other obstacles to implementation identified by CCMs, in particular small island developing State Members and Participating Territories, (**TCC15 Agenda 5.1(a) and 5.1(d)**); and

(iii) risk-based assessment of priority obligations to be assessed in the subsequent year (once the risk-based assessment is developed).

The Provisional Report shall be finalized at TCC and forwarded to the Commission for consideration at the annual meeting.

As per WCPFC15 decision, Strategic Investment Plan for the Special Requirements Fund will be updated by [the](#) Secretariat using the relevant text that is included in the executive summary of the Provisional Report.

5.3 Enhancing the CMS (CMM 2018-07 para 45 and TCC Workplan 2019 – 2021)

In 2017 the Commission commenced the Review of the Compliance Monitoring Scheme. During 2017, a three-person Independent Panel was appointed under approved terms of reference, to undertake a review of the Compliance Monitoring Scheme. At WCPFC14, the Commission agreed to establish in 2018 an Intersessional Working Group on the Review of the Compliance Monitoring Scheme (CMS IWG) led by Mr Glen Joseph. The Report from the CMS IWG led to the adoption by the Commission at WCPFC15 of CMM 2018-07. During 2019 – 2021 the Commission has committed to a multi-year workplan of tasks with the aim of making the CMS more efficient and effective by streamlining processes enhancements. The CMS future tasks are set out Section IX of CMM 2018-07 and the TCC Workplan 2019-2021.

(a) development of a process for assessing CCM actions in accordance with para 7(ii)(b) to replace para 27 of CMM 2018-07

TCC will discuss this agenda item in accordance with CMM 2018-07.

(b) comprehensive review of all the Commission reporting requirements, with recommendations to remove duplicative reporting as well as ensure the Commission's data and information needs are met

TCC will discuss this agenda item in accordance with CMM 2018-07. This subject matter is related to a priority project specific task which was included in the approved TCC workplan 2019-2021.

(c) the development of audit points to clarify the Commission's obligations assessed under the CMS, as well as the development of a checklist to be used by the proponents of any proposal to include a list of potential audit points for the consideration of the Commission

TCC will discuss this agenda item in accordance with CMM 2018-07. This subject matter is related to a priority project specific task which was included in the approved TCC workplan 2019-2021. Federated States of Micronesia offered to lead intersessional collaboration on this CMS future task (Circular 2019/28 dated 15 May 2019). A report on progress will be provided to TCC.

(d) the development of a risk-based assessment framework to inform compliance assessments and ensure obligations are meeting the objectives of the Commission

TCC will discuss this agenda item in accordance with CMM 2018-07. This subject matter is related to a priority project specific task which was included in the approved TCC workplan 2019-2021.

(e) explore investment in technology solutions to facilitate improvements to the compliance case file system

TCC will discuss this agenda item noting this subject matter is related to a priority project specific task which was included in the approved TCC workplan 2019-2021.

(f) the development of the guidelines for participation of observers in closed meetings of the Commission and its subsidiary bodies which consider the Compliance Monitoring Report

TCC will discuss this agenda item noting this subject matter is related to a priority project specific task which was included in the approved TCC workplan 2019-2021.

(g) provide advice on other future work to enhance the CMS during 2020-2021.

CMM 2018-07 schedules two CMS future tasks for 2020-2021:

“(vi) the development of corrective actions to encourage and incentivise CCMs’ compliance with the Commission’s obligations, where non-compliance is identified

(vii) the development of the guidelines for participation of observers in closed meetings of the Commission and its subsidiary bodies which consider the Compliance Monitoring Report.”

TCC to consider necessary advice and recommendation to the Commission.

5.4 Supporting the CMS (TCC Workplan 2019-2021)

(a) Consider options to mitigate the impacts of an unscheduled disruption to Secretariat services on the CMS

TCC will discuss this agenda item noting this subject matter is related to a priority project specific task which was included in the approved TCC workplan 2019-2021.

5.5 Provide advice on the expiry of CMM 2018-07 at the end of 2019 (CMM 2018-07, paragraph 48)

TCC to consider necessary advice and recommendation to the Commission, noting that CMM 2018-07 will lapse at end of 2019.

AGENDA ITEM 6 STATUS OF FISHERIES PRESENTATION (SPC-OFP)

SPC-OFP will provide a presentation on the status of fisheries highlighting the stock assessment of the key fisheries of the WCPFC.

AGENDA ITEM 7 SPECIAL REQUIREMENTS OF DEVELOPING STATES

In accordance with Rule 2(h) of the WCPFC Rules of Procedure, *Consideration of the Special Requirements of Developing States pursuant to Part VIII of the Convention* is a standing agenda item on the provisional agenda.

7.1 Monitor obligations relating to, and support building the capacity of, SIDS and territories – (TCC Workplan 2019-2021)

TCC will discuss this priority core business task which was included in the approved TCC workplan 2019-2021. A list of possible areas of support to build capacity of SIDS is included as sub-item (h) in the priority project specific tasks within the TCC Workplan 2019-2021.

AGENDA ITEM 8 CORE MCS ACTIVITIES - *discussion of technical issues or requirements*

8.1 Vessel Monitoring System (VMS)

The Secretariat will present the VMS Annual Report (RP01). TCC is invited to discuss and as appropriate make recommendations on this matter.

(a) Consider Secretariat recommendations related to the WCPFC approved ALC/MTU list (VMS SSPs Section 2.7)

The Secretariat will recommend, as needed, to TCC:

(i) proposed additional ALC/MTU make or models that need TCC’s consideration and the Commission’s approval; and

(ii) the removal of units currently on the list of approved ALC/MTU makes and models that it has determined no longer meet the minimum standards set out in Annex 1 of CMM 2014-02 (or successor measure), or do not have the ability to successfully report to the Commission VMS.

TCC is invited to discuss and as appropriate make recommendations on this matter.

(b) Support efforts by CCMs and the Secretariat to continue technical work intersessionally to optimize TCC's efficiency evaluating CCM's VMS compliance – (TCC Workplan 2019-2021)

TCC will discuss this priority task with respect to implementation of cooperative MCS and enforcement as included in the approved TCC workplan 2019-2021. TCC is invited to discuss and as appropriate make recommendations on this matter.

8.2 Regional Observer Programme

The Secretariat will introduce the ROP Annual Report (RP02). TCC is invited to discuss and as appropriate make recommendations on this matter.

(a) Review CMM 2017-03 (CMM 2017-03 paragraph 14)

Paragraph 14 of CMM 2017-03 *Conservation and Management Measure for the Protection of WCPFC Regional Observer Programme Observers* states “The Technical and Compliance Committee and the Commission will review this conservation and management measure no later than 2019 and periodically thereafter. ...” TCC is invited to discuss and as appropriate make recommendations on this matter.

(b) Report from TCC Working Group on flow of observer reports and observer conduct (WCPFC15 Summary Report para 364)

At WCPFC15 the Commission agreed that the TCC Observer-related working group would continue to operate electronically in 2019, led by Mr. Tom Graham (United States). The TCC Observer-related working group was tasked to:

- a. Conduct further work, with input from the Secretariat and drawing from experiences using the Compliance Case File System and CCMs' investigations, to determine what additional data fields, if any, should be added to the ROP minimum required data fields to support CCM investigations and more general compliance-related needs, such as flagging possible violations of Commission decisions to trigger CCM investigations or as part of the Compliance Monitoring Scheme (also see task (f)).
- b. More fully consider gaps in the capacity of ROP Providers to respond promptly and fully to requests for observer reports, such as in terms of human resources, training, and equipment, and explore ways to fill those gaps, including the possibility of a process through which ROP Providers may seek and receive financial or other support from the Commission to improve their capacity.
- c. Explore ways to support ROP Providers' efforts to improve their debriefing processes such that observer reports can be more fully vetted and provided more quickly, including the possibility of giving higher priority to trips that are flagged through the Pre-Notification Process (also see task (g)).
- d. Explore the potential utility of using the Compliance Case File System to facilitate and track CCM requests for observer reports.
- e. Explore whether pre-notifications can be sent by ROP Providers directly to the Secretariat without first having to be entered in the data service provider's ROP database along with all the minimum required data fields.
- f. In concert with task (a), reconsider the summary data fields to better align with the Commission's priorities in terms of compliance.
- g. In concert with task (c), explore the role debriefing can have in reviewing and filtering Trip Monitoring Summaries to make pre-notifications as efficient and useful as possible.
- h. Explore, as part of the Pre-Notification Process, the possibility of supplementing the WCPFC Observer Trip Monitoring Summary form with more detailed information from the observer (e.g., using “comments” pages) regarding any affirmative indications on the Summary form, such as more detailed information about the activities in question, which could support a CCM's investigations of those activities, and/or references to particular sections/pages of the full observer report that could help narrow a CCM's request for more information from the ROP Provider.
- i. Continue to develop mechanisms related to the provision of observer reports, taking into account the outcomes of the tasks listed above and the possible approaches described in WCPFC-TCC14-2018-14 and WCPFC-TCC14-2018-DP07.

A report will be provided to TCC on the progress made in the TCC Observer-related Working Group

8.3 High Seas Transshipment Monitoring

The Secretariat will introduce the High Seas Transshipment Monitoring Annual Report (RP03). TCC is invited to discuss and as appropriate make recommendations on this matter.

(a) Further development of protocols, observer data forms including electronic forms and the database, as needed, to better monitor transshipments at sea, particularly in the high seas (TCC Workplan 2019-2021)

TCC is invited to discuss this priority project specific task which was included in the approved TCC workplan 2019-2020.

(b) Report from the IWG to review CMM 2009-06 (WCPFC15 Summary Report para 380)

At WCPFC15 the Commission agreed to conduct a review of the existing transshipment measure (CMM 2009-06) in 2019, with the review to commence through an electronic intersessional working group, with the group led by two co-chairs, from Republic of Marshall Islands and the United States. A report will be provided to TCC on the progress made in the IWG to review CMM 2009-06

8.4 High Seas Boarding and Inspection (HSBI)

The Secretariat will introduce the High Seas Boarding and Inspection (HSBI) Annual Report (RP04). Interested Members may also provide brief reports on their HSBI activities. TCC is invited to discuss and as appropriate make recommendations on this matter.

8.5 Record of Fishing Vessels (RFV)

The Secretariat will introduce the Record of Fishing Vessels (RFV) Annual Report (RP05). TCC is invited to discuss and as appropriate make recommendations on this matter.

8.6 Eastern High Seas Pocket Special Management Area (EHSP-SMA)

The Secretariat will introduce the EHSP-SMA Annual Report (RP06). TCC is invited to discuss and as appropriate make recommendations on this matter.

8.7 Port State Minimum Standards

The Secretariat will introduce the Port State Minimum Standards Annual Report (RP07). TCC is invited to discuss and as appropriate make recommendations on this matter.

AGENDA ITEM 9 DATA PROVISION AND DATA GAPS

9.1 Review information about scientific data provision (TCC Workplan 2019-2021)

TCC will discuss this priority project specific task included in the approved TCC workplan 2019-2021.

9.2 Consideration of the outcomes of the review of the Commission's data needs and collection programmes (SC Project 93) (TCC Workplan 2019-2021)

TCC will consider the progress of SC Project 93 noting that this is a priority project specific task included in the approved TCC workplan 2019-2021. TCC is invited to discuss and as appropriate make recommendations on this matter.

9.3 Report on the performance of the Electronic Reporting Standards and their application (E-reporting SSPs, paragraph 7 (c))

The Secretariat is tasked under paragraph 7(c) of the E-reporting SSPs to "report annually on the performance of the Electronic reporting standards and their application, and as necessary, make recommendation for improvements or modifications." The Secretariat will introduce the Annual Report on the performance of the E-reporting Standards and their application (RP10). TCC is invited to discuss and as appropriate make recommendations on this matter.

AGENDA ITEM 10 INTERSESSIONAL ACTIVITIES

10.1 Intersessional activity report from ERandEM-IWG Chair

An update on progress will be provided to TCC related to the intersessional activities of the ERandEM IWG. At WCPFC15 the Commission supported the continuation of intersessional work, led by the ERandEMWG Chair Kerry Smith (Australia) to further develop a draft conservation and management measure on E-monitoring for consideration by the Commission in 2020. The ERandEMWG Chair was tasked to provide a report on progress to WCPFC16 in 2019. TCC is invited to discuss and as appropriate make recommendations on this matter.

AGENDA ITEM 11 REVIEW OF EXISTING CMMs INCLUDING ANY PROPOSED AMENDMENTS

This agenda item will be updated based on proposals from Members.

11.1 Bigeye, Yellowfin and Skipjack (CMM 2018-01, CMM 2009-02)

(a) Annual review of information reported by CCMs pursuant to these measures

CMM 2018-01, and its earlier versions, have included various reported information. The Secretariat regularly prepares summary tables of the data and reported information for tropical tuna CMMs. TCC is invited to discuss and as appropriate make recommendations on this matter.

11.2 South Pacific Albacore (CMM 2015-02)

(a) Annual review of CMM on the basis of advice from SC (paragraph 5 of CMM 2015-02)

CMM 2015-02 paragraph 5 state that this measure will be reviewed annually on the basis of advice from the Scientific Committee on South Pacific albacore. TCC is invited to discuss this matter.

(b) Intersessional activity report on south Pacific Albacore Roadmap virtual IWG

WCPFC15 tasked the virtual IWG, Chaired by New Zealand, to continue work intersessionally to develop the Roadmap for Effective Conservation and Management of South Pacific Albacore. An update will be provided to TCC on the progress of this IWG.

(c) Develop information and advice to promote compliance with the south Pacific Albacore CMM (2015-02 and successor measures) and improve its effectiveness, including providing technical and compliance advice for the development and implementation of south Pacific albacore roadmap (TCC workplan 2019-2021)

TCC will discuss this priority project specific task included in the approved TCC workplan 2019-2021.

11.3 Sharks (CMM 2010-07, CMM 2011-04, CMM 2012-04, CMM 2013-08 & CMM 2014-05)

(a) Annual review of information reported by CCMs pursuant to these measures

TCC will discuss this matter, noting the following provisions in various shark CMMs:

- CMM 2011-04 paragraph 6 and CMM 2013-08 paragraph 6 says that measures shall be periodically reviewed.
- CMM 2010-07 paragraph 8 says that “The SC and the Technical and Compliance Committee (TCC) are directed to consider if additional appropriate measures that give effect to paragraph 7 are required.”
- CMM 2010-07 paragraph 13 says “On the basis of advice from the SC, the TCC and the Commission, CCMs shall review the implementation and effectiveness of this measure, and any alternative measures applied under paragraph 11 above, and shall consider the application of additional measures for the management of shark stocks in the Convention Area, as appropriate.”
- CMM 2012-04 paragraph 7 tasks the Secretariat to report on the implementation of these conservation and management measures on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme

- CMM 2014-05 paragraph 3 says, “On the basis of advice from the SC and TCC, the Commission, shall review the implementation and effectiveness of management arrangements provided in this measure including minimum data requirements, after 2 years of its implementation and shall consider the application of additional measures for the management of shark stocks in the Convention Area, as appropriate.”

(b) Consider outputs of the shark IWG, and provide advice related to the development/implementation of a consolidated Sharks measure (TCC workplan 2019-2021, WCPFC15 Summary Report para 341)

At WCPFC15 the Commission received the report of the intersessional working group to develop a draft comprehensive shark CMM for discussion at WCPFC15 (IWG-Sharks) and further deliberations took place in the margins of WCPFC15 through a SWG on Shark CMMs. The Commission tasked TCC15 with considering the outputs of the shark intersessional working group and encouraged interested Members to submit proposals to TCC15.

11.4 Sea turtles (CMM 2008-03/CMM 2018-04)

(a) Annual review of information reported by CCMs pursuant to this measure

CMM 2008-03/CMM 2018-04 paragraph 9 says that SC and TCC will annually review the information reported by CCMs pursuant to this measure. Where necessary, an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for their application will be developed by these committees and provided to the Commission for its consideration and review.

11.5 Seabirds (CMM 2018-03)

(a) Annual review of any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes

CMM 2018-03 paragraph 10 says SC and TCC will annually review any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes. Where necessary, an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for areas of application will then be provided to the Commission for its consideration and review as appropriate

11.6 Purse seine interactions with Cetaceans (CMM 2011-03)

(a) Annual review of information reported by CCMs pursuant to this measure

CMM 2011-03 paragraph 6 tasks the Secretariat to report on the implementation of these conservation and management measures on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.

AGENDA ITEM 12 PROPOSALS FOR NEW CMMs

This agenda item will be updated based on proposals for new CMMs received from Members.

AGENDA ITEM 13 OTHER MATTERS REQUIRING TCC ADVICE

13.1 Consideration of other SC and NC outcomes related to TCCs work

TCC may consider, as appropriate, advice and recommendations related to particular SC and NC outcomes

AGENDA 14 ADMINISTRATIVE MATTERS

14.1 TCC Work Plan 2019 – 2021

TCC may review and consider, as appropriate, the TCC Workplan 2019-2021.

14.2 Administration of the Data Rules and Procedures, including update on WCPFC Security Audit 2018/19

(i) The Secretariat will update TCC on the 2018/19 review of the integrity of WCPFC VMS data, which is required under paragraph 6.10 of the WCPFC VMS SSPs to be conducted by the Secretariat annually. As was the case in previous years, this will include a review of the Secretariat's Information Security.

(ii) The Secretariat will also introduce the paper on the administration of the data rules and procedures (RP08).

14.3 Report on Secretariat IMS and website development and online reporting systems

WCPFC8 approved the Secretariat proposal on IMS enhancement (WCPFC8-2012-FAC-16). WCPFC12 agreed to maintain commitments that will ensure the continued development and enhancement of the Commission Secretariat IMS over the next 2-3 years. The Secretariat will provide a report on these developments. TCC is invited to discuss and as appropriate make recommendations.

14.4 Election of Officers

Rule 8 of the WCPFC Rules and Procedure state that the Chair and a Vice-Chair shall assume office at the end of the session at which they are elected, shall hold office for a period of two years and shall be eligible for re-election. Mr Laurence Edwards II (Republic of Marshall Islands) commenced as TCC Chair in December 2018 (WCPFC15) and Dr Robert Day (Canada) commenced as TCC Vice-Chair in December 2018 (WCPFC15) so their terms of appointment remain valid until December 2020. -

14.5 Next meeting

TCC is invited to recommend that TCC16 be held on Wednesday 23rd – Tuesday 29th September 2020, and that the venue is in Pohnpei, Federated States of Micronesia.

AGENDA 15 CLEARANCE OF TCC15 RECOMMENDATIONS

TCC will adopt an Outcome Document containing decisions taken but its full summary report will be cleared out of session.

AGENDA 16 CLOSE OF MEETING

The Chair will close the meeting at end of proceedings.